

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR: (1) A GENERAL ADJUSTMENT)	
OF ITS RATES FOR ELECTRIC SERVICE; (2) AN)	CASE NO.
ORDER APPROVING ITS 2014 ENVIRONMENTAL)	2014-00396
COMPLIANCE PLAN; (3) AN ORDER APPROVING)	
ITS TARIFFS AND RIDERS; AND (4) AN ORDER)	
GRANTING ALL OTHER REQUIRED APPROVALS)	
AND RELIEF)	

ORDER

On March 12, 2015, Kentucky Power Company ("Kentucky Power), filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to requests for information put forward by the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, ("AG") in his February 27, 2015 Supplemental Data Requests ("AG Supplemental Requests"). Kentucky Power requests that AG Supplemental Requests 1-147 and 1-148, but not Kentucky Power's responses to those two requests, remain confidential for an indefinite period.¹ The requests for which Kentucky Power seeks confidential treatment reference audit documentation prepared by Kentucky Power's external auditor Deloitte & Touche, LLP ("Deloitte").

In support of its petition, Kentucky Power states that the Deloitte audit documentation is the property of Deloitte and is not the property of Kentucky Power or

¹ In a letter filed with the AG Supplemental Requests on February 24, 2015, the AG noted that the requests contained information that was subject to a confidentiality agreement between the AG and Kentucky Power, and was subject to a pending petition for confidential treatment filed by Kentucky Power on February 11, 2015.

its parent, American Electric Power Company, Inc. Kentucky Power further states that the Deloitte audit documentation referenced in AG Supplemental Requests 1-147 and 1-148 has been identified by Deloitte as containing trade secrets, and confidential commercial and financial information. Kentucky Power asserts that protection of the confidentiality of the Deloitte audit documentation is required to maintain Deloitte's services as Kentucky Power's independent, external auditor. Kentucky Power explains that, in contrast to the information requests, its responses reflect only Kentucky Power's records and do not disclose confidential, proprietary, or other information exempted from public disclosure under KRS 61.878. For the above reasons, Kentucky Power requests that AG Supplemental Requests 1-147 and 1-148 be afforded confidential treatment, but not Kentucky Power's responses to the information requests.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in AG Supplemental Requests 1-147 and 1-148 meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission further finds that the designated information should not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection is hereby granted.
2. The material set forth in AG's Supplemental Requests 1-147 and 1-148 shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

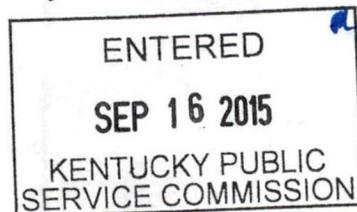
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Kentucky Power shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

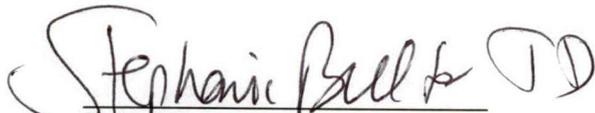
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission



ATTEST:


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